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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,102	03/31/2004	Kristin Coit	16113-769001 / GP-241-00-	5180
26192 7590 09/24/2008 FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
NOTIFICATION DATE		DELIVERY MODE		
09/24/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary

Application No.

10/814,102

Applicant(s)

COIT ET AL.

Examiner

DANIEL LASTRA

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-32 have been examined. Application 10/814,102 (ADVERTISEMENT APPROVAL) has a filing date 03/31/2004.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claims fail to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-16 are indefinite because they lack structure and claim 27 is indefinite because it is not clear the limitation "if the indicated source is determined to not be a trusted source". For purpose of art rejection, said limitation is interpreted as manually declines ads if the indicated source is determined to not be a trusted source.

Claims 1 and 17 recite the limitation "the advertiser source". There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Goodman (US 2005/0021649).

Claims 1 and 17, Goodman teaches:

A method comprising:

a) accepting a set of ads of a given source (see paragraph 10);

b) selecting a subset of the set of ads (see paragraph 16);
c) receiving approval or decline of ads of the subset from a first review process (see paragraph 16);

d) determining a score for the source using information concerning the approval or decline of the ads of the subset from the first review process (see paragraph 11); and
e) automatically approving, using a second review process, ads of the set that are not in the subset if the advertiser score indicates that the given source is a trusted advertiser (see paragraph 57).

Claims 2 and 18, Goodman teaches:

wherein the first review process is a manual review process (see paragraph 62).

Claims 3 and 19, Goodman teaches:

wherein the score is a trust score (see paragraph 65).

Claims 4 and 20, Goodman teaches:

wherein the score is a distrust score (see paragraph 65).

Claims 5 and 21, Goodman teaches:

wherein determining a score for the source further comprises determining a percentage of declined ads in the subset (see paragraph 62).

Claims 6 and 22, Goodman teaches:

wherein determining a score further uses reasons for which declined ads in the subset were declined (see paragraph 55).

Claims 7 and 23, Goodman teaches:

wherein the set of ads comprises Web ads (see paragraph 2).

Claims 8 and 24, Goodman teaches:

f) automatically screening the approved ads for preselected words or phrases (see paragraph 55).

Claims 9 and 25, Goodman teaches:

wherein at least one of the preselected words is a URL (see paragraph 55).

Claims 10 and 26, Goodman teaches:

A method of ad approval comprising:

- a) receiving a set of ads with a source indication (see paragraph 16);
- b) determining whether the indicated source is a trusted source (see paragraph 49); and
- c) if the indicated source is determined to be a trusted source, then approving the set of ads without manual review at least one ad of the set of ads (see paragraph 57).

Claims 11 and 27, Goodman teaches:

d) if the indicated source is determined to not be a trusted source, then selecting a subset of the set of ads (see paragraph 16);

approving or declining ads of the subset (see paragraph 16);

determining a score for the source using information concerning ads manually approved or declined (see paragraph 16); and

identifying the source as a trusted source if the score for the source indicates that the given source is trusted

if the indicated source is determined to not be a trusted source (see paragraph 11).

Claims 12 and 28, Goodman teaches:

wherein the score is a trust score (see paragraph 10).

Claims 13 and 29, Goodman teaches:

wherein the score is a distrust score (see paragraph 10).

Claims 14 and 30, Goodman teaches:

wherein the act of approving or declining ads of the subset uses a manual review process (see paragraph 16).

Claims 15 and 31, Goodman teaches:

A method of ad approval comprising:

- a) selecting a subset of a first ad group provided by a trusted source (see paragraph 16);
- b) accepting a determination of ads in the subset that are disapproved (see paragraph 16);
- c) determining a score using information concerning disapproved ads in the subset, approved ads in the subset, and reasons for any disapprovals (see paragraph 11); and
- d) pulling from circulation at least one ad in a second ad group received from the trusted source if the score indicates that the source is no longer a trusted source (see paragraph 16).

Claims 16 and 32, Goodman teaches:

wherein the determination of ads in the subset that are disapproved is accepted from a manual review process (see paragraph 16).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Examiner, Art Unit 3688
September 18, 2008